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TO

Confirm a Provisional Order made by the Local Govern- A.D. 1892.  
ment Board for Ireland under the Public Health  
(Ireland) Act, 1878, relating to the Town of Tralee.

**W**HEREAS the Local Government Board for Ireland have  
made the Provisional Order set forth in the schedule hereto,  
under the provisions of the Public Health (Ireland) Act, 1878: 41 & 42 Vict.  
c. 52.

And whereas it is requisite that the said Order should be  
5 confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty,  
by and with the advice and consent of the Lords Spiritual and  
Temporal, and Commons, in this present Parliament assembled,  
and by the authority of the same, as follows:

10 1. The Order set out in the schedule hereto shall be and the  
same is hereby confirmed, and shall be construed as part of this  
Act, and all the provisions thereof shall have full validity and  
force. Order in  
schedule  
confirmed.

2. This Act may be cited as the Local Government Board Short title.  
15 (Ireland) Provisional Order Confirmation (No. 9) Act, 1892.

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## SCHEDULE.

### THE LOCAL GOVERNMENT BOARD FOR IRELAND.

#### TOWN OF TRALEE.

#### PROVISIONAL ORDER.

WHEREAS the Town Commissioners of the town of Tralee (herein-after 5  
called the sanitary authority) are the urban sanitary authority of the district  
consisting of the said town, and whereas by "The town of Tralee Provisional  
Order 1880" confirmed by the Local Government Board (Ireland) Provisional  
Orders Confirmation (Ballinasloe &c.) Act 1880" all jurisdiction power and  
authority with respect to roads and footpaths within the said district were 10  
transferred from the Grand Jury of the county Kerry to the sanitary authority :

And whereas the sanitary authority are about to complete a road already  
partly made leading to the Tralee and Dingle Railway Station from a street  
known as the Rock Street and to make an extension of the said road from Rock  
Street to the Spa Road, and have presented a petition to the Local Government 15  
Board for Ireland (herein-after called the Local Government Board), in pursuance  
of the Public Health (Ireland) Act 1878, praying that they may be allowed  
to put in force the powers of the Lands Clauses Acts with respect to the  
purchase and taking of lands otherwise than by agreement with reference to  
certain lands and premises within the said sanitary district required for the 20  
purposes of the said works :

And whereas the sanitary authority have deposited at the office of the Local  
Government Board in Dublin plans and a book of reference (herein-after called  
the deposited plans and book of reference) showing the works intended to be  
executed and the lands and premises required for the purposes of the said 25  
works :

And whereas all advertisements and notices required by the Public Health  
(Ireland) Act 1878 having been previously duly published, served and given, the  
Local Government Board have caused a local inquiry to be made as to the  
propriety of assenting to the prayer of the said petition, and it appears to the 30  
Local Government Board to be proper to assent thereto :

It is ordered by the Local Government Board as follows :—

1. From and after the confirmation of this Order by Parliament, the sanitary  
authority shall be empowered to put in force the powers of the Lands  
Clauses Acts with respect to the purchase and taking of lands otherwise 35  
than by agreement with reference to the lands and premises following :  
the premises No. 1, in the book of reference therein described as a  
haggard ; the premises No. 2, in the deposited plans and book of  
reference, therein described as a house ; and the premises Nos. 3, 4,

Compulsory  
powers to take  
lands and  
premises.

and 5, in the deposited plans and book of reference, all which said lands and premises are more particularly described and shown in the said deposited plans and book of reference. A.D. 1892.  
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- 5 2. (1.) The sanitary authority shall not under the powers of this Order, without the consent of the Local Government Board, purchase or acquire ten or more houses which, after the confirmation of this Order have been or on the Fifteenth December last were occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers unless and until
- 10 (a.) They have obtained the sanction of the Local Government Board to a scheme providing new dwellings for such number of persons as the Board shall, after inquiry, deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom, and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses, or to the place of employment of such persons, and to all the circumstances of the case; and
- 15 (b.) They have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.
- 20 (2.) The approval of the Local Government Board to any scheme under this clause may be given either absolutely or conditionally, and after the Board have approved of any such scheme they may approve either absolutely or conditionally of any modifications in the scheme.
- 25 (3.) Every scheme under this clause shall contain provisions prescribing the time within which it shall be carried out, and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced: Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions, if any, as they may deem fit.
- 30 (4.) Any conditions subject to which the Local Government Board may have approved of any scheme, or of any modification of any scheme under this clause, or subject to which they may have dispensed with the above-mentioned requirement, shall be enforceable by a writ of mandamus to be obtained by the Board out of the High Court.
- 35 (5.) If the sanitary authority acquire or appropriate any house for the purposes of this Order in contravention of the foregoing provisions, or displace or cause to be displaced the persons residing in any house in contravention of the requirements of the scheme, they shall be liable to a penalty of five hundred pounds in respect of every such house, which penalty shall be recoverable by the Local Government Board by action in the High Court, and shall be carried to and form part of the consolidated fund of the United Kingdom: Provided that the court may if it thinks fit reduce such penalty.
- 40 (6.) Subject to the provisions of this clause of this Order, the sanitary authority and the Local Government Board and their inspectors shall have and may exercise for any purpose in connexion with any scheme
- 45 [354.] A 2

Provisions with respect to the houses of the working classes.

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41 & 42 Vict.  
c. 52.

under this clause, all or any of the powers vested in them under the Public Health (Ireland) Act, 1873, in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the purposes of the said Act: Provided that all lands on which any buildings have been erected or provided by the sanitary authority in pursuance of any scheme under this clause of this Order, shall, for a period of twenty-five years from the confirmation of this Order, be appropriated for the purpose of dwellings, and every conveyance, demise, or lease of such lands and buildings shall be endorsed with notice of this sub-section of this clause: Provided also that the Local Government Board may, at any time, dispense with all or any of the requirements of this sub-section of this clause, subject to such conditions, if any, as they may deem fit.

- (7.) The sanitary authority shall, if required by the Local Government Board, pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any order under this clause, and any expenses incurred by that Board in relation to any inquiries under this clause, including the expenses of any witnesses to be summoned by the inspector holding the inquiry, and a sum to be fixed by that Board, not exceeding three guineas a day, for the services of such inspector.
- (8.) For the purposes of this clause, the expression "labouring class" includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any such persons who may reside with them.
3. The powers of compulsory purchase given by this Order shall not be exercised after the expiration of three years from the confirmation of this Order.
4. All costs, charges, and expenses of the Local Government Board and of the sanitary authority incurred in respect to the application for obtaining and confirming this Order, and otherwise in relation thereto, shall be paid by the sanitary authority as part of their expenses incurred in the execution of the Public Health (Ireland) Act, 1873.
5. This Order may be cited and referred to for all purposes as the *Tralee Provisional Order, 1892.*

Given under Our Hands and Seal of Office this Thirteenth day of May, in the Year of Our Lord One Thousand Eight Hundred and Ninety-two.

(Signed) F. MACCARR,  
H. A. ROBINSON.

Duration of  
compulsory  
powers

Costs of Order.

41 & 42 Vict.  
c. 52.  
Short title of  
Order.